

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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THERESA MARIE SIMEONE, et al.

Plaintiffs,

v.

BOMBARDIER-ROTAX GmbH & Co. KG, et al.,

Defendants.

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**CIVIL ACTION NO. 02CV4852**


**NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' COMPLAINT FOR  
LACK OF PERSONAL  
JURISDICTION AND NOTICE OF  
MOTION FOR SUMMARY  
JUDGMENT**

**PLEASE TAKE NOTICE**, upon the annexed Certification of Robert J. Kelly, dated December 22, 2004, the exhibits annexed thereto, and the accompanying Memoranda of Law, the undersigned, attorneys for Defendants, BRP-Rotax GmbH & Co. KG f/k/a Bombardier-Rotax GmbH & Co. KG will make an application to this Court at a time and place designated by the Court, for an Order pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, to dismiss Plaintiffs' Complaint with prejudice for lack of personal jurisdiction; and

**PLEASE TAKE FURTHER NOTICE**, upon the aforementioned Certification and Memoranda of Law, the undersigned, attorneys for Defendants Bombardier Inc. and Bombardier Corporation will make application to this Court at a time and place designated by the Court, for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure, for Summary Judgment dismissing any and all claims against Defendants with prejudice on the ground that there is no

genuine issue of material fact and said Defendants are entitled to judgment as a matter of law, and for such other relief as the Court may deem just and proper.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP  
Attorney for Defendant BRP-Rotax GmbH & Co. KG and  
Bombardier Inc. and Bombardier Corporation

BY:   
Robert J. Kelly, Esquire  
33 Washington Street – 18<sup>th</sup> Floor  
Newark, N.J. 07102

And

By: Jonathan Dryer, Esq.  
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The Curtis Center-Suite 1130 East  
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Dated: December 22, 2004